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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Application Serial No.	79171180
Applicant	MindMaze SA

## Notice of Appeal

Notice is hereby given that MindMaze SA appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 79171180.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 009. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Scientific apparatus, namely, bio-chips for scientific purposes, sensor chips for scientific use, sensors for scientific use to be worn by a human to gather human biometric data, and scanners for capturing images for analysis for use in the neuro-rehabilitation research field and the clinical field; nautical apparatus, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; surveying machines and instruments; photographic apparatus, namely, cameras, camera handles, mounting devices for cameras and monitors, viewfinders for cameras, dashboard cameras, gamma cameras, motion-activated cameras, 3D camera systems, namely, adapters for allowing 3D shooting, digital cameras, photographic cameras, photographic dashboard cameras, photographic infrared cameras, depth cameras, and stereoscopic cameras; cinematographic apparatus, namely, cinematographic cameras, digital video cameras, motion picture cameras, cinematographic dashboard cameras, cinematographic infrared cameras, film cameras, video cameras, IP (Internet protocol) cameras, motion-activated cameras, computer cameras, depth cameras, stereoscopic cameras and 3D camera systems, namely, adapters for allowing 3D shooting; optical apparatus, namely, optical inspection apparatus, optical lenses, optical readers, optical reflectors, optical disk drives, optical disk readers, and electronic and optical communications instruments and components, namely, communication link testers for testing communication links, optical inspection apparatus, optical receivers, optical transmitters, optical communications systems comprised of optical and electronic hardware and computer software for the transmission of data between two points, and optical devices, namely, eye pieces for helmet mounted displays; weighing apparatus; measuring apparatus, namely, digitizers, lasers for measuring purposes, instruments for measuring two-dimensional distribution of force and pressure, apparatus for measuring the speed of golf swing, and distance measuring apparatus; signaling and checking (supervision) apparatus, namely, electric warning lights, electronic warning bells, electronic warning horns, and luminous beacons for safety or warning purposes; life-saving apparatus, namely, life vests; teaching apparatus and instruments apparatus, namely, artificial limbs for medical instruction purposes, electronic clinicians training simulators, electronic sports training simulators, and medical diagnostic simulators for use as teaching aids for neuro-rehabilitation and personalized exercise sessions; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, amplifiers, switches, transformers, batteries and battery chargers, solar-powered rechargeable batteries, photovoltaic cells and modules, photovoltaic systems that convert sunlight into electric and thermal energy, photovoltaic solar modules for production of electricity, and solar panels for the production of electricity; apparatus for the capturing, recording, input, transmission and reproduction of sound, images and data related to body movements or optical signals, namely, video cameras, infrared cameras, 3D camera systems in the nature of adapters for allowing 3D shooting to detect and evaluate posture and movement, sensors for measuring motion and movement not for medical purposes, video monitors and 3D spectacles; optical sensors, image sensors, position sensors, motion sensors, trajectory sensors, speed sensors; computer monitors (hardware), electronic monitors for monitoring electrical signals, liquid crystal display (LCD) monitors, and touchscreen monitors; video monitors; audio and video headsets for use with mobile phones, computers, touchscreen monitors, and 3D spectacles; magnetic recording media, namely, blank hard computer discs, blank audio tapes, blank digital audio tapes, and blank video tapes; magnetic recording media, namely, hard discs for computers featuring music, images, graphics,

motion picture films, computer games, voice, text, exercise instruction, self-improvement instruction, and game instruction; pre-recorded audio tapes and audio cassettes featuring music, images, graphics, motion picture films, computer games, voice, text, exercise instruction, self-improvement instruction, and game instruction; pre-recorded video discs, videorecording, video tapes and video cassettes featuring music, images, graphics, motion picture films, computer games, voice, text, exercise instruction, self-improvement instruction, and game instruction; sound recording disks, namely, blank CDs and CDs featuring music, voice, exercise instruction, self-improvement instruction, and game instruction; pre-recorded compact disks, DVDs and other digital recording media, namely, digital videodiscs, digital versatile discs, high definition digital discs, CD-ROM discs, cards with integrated circuits, flash memory cards, USB flash drives, blu-ray discs and downloadable audio and video recordings featuring music, images, graphics, motion picture films, computer games, voice, text, exercise instruction, self-improvement instruction, and game instruction; blank recordable CD-Rs, DVD-Rs, high definition digital discs, cards with integrated circuits, flash memory cards, USB flash drives, and blu-ray discs; calculating machines; data processing equipment; computers; software, particularly virtual reality software for playing computer games, for medical teaching, for virtual reality immersion, for therapeutic exercise training, for use by hemiparetic patients for neuro-rehabilitation and personalized exercises sessions, for real time mapping, and for neurophysiological measurements, analysis and rehabilitation treatments; computer programs for use in virtual reality headsets; computer programs for video and computer games for neurophysiological rehabilitation treatments; interfaces for computers; electronic apparatus and instruments for assistance with driving vehicles, namely, GPS navigation devices, position sensors, motion sensors, trajectory sensors, speed sensors, high-resolution cameras, scanners for capturing images for analysis, display monitors, and head-up displays for use in vehicles, namely, fixed and helmet mounted transparent electronic displays for providing users with navigational and operational information; electronic apparatus and instruments for tracking the condition of the driver of a vehicle, in particular for detecting signs of driver fatigue, namely, video cameras, sensors for measuring motion and movement not for medical purposes, video monitors and 3d spectacles; electronic apparatus and instruments to help with the learning of body movements and sporting activities and disciplines, namely, sensors, video cameras, scanners, display monitors and virtual reality software for analyzing speed, swing and sway for dance, athletics, golf, racket sports, and archery

- Class 010. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Apparatus for the capture, input, transmission, recording of electroencephalographic (EEG) signals and data; electronic apparatus and instruments for monitoring the condition of the driver of a vehicle, namely, for detecting signs of driver fatigue, namely, cardiac monitors, pulse rate monitors, breathing monitors; electronic machines and apparatus, namely, scanners, sensors, computer hardware and other instruments for measuring, recording and monitoring brain activity, and for measuring, recording and analyzing physiological and neuro-physiological parameters
- Class 028. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Games, toys, namely, educational toys for developing fine motor, cognitive, oral language, numbers, counting, colors and alphabet skills, battery-powered computer games with LCD screen which feature animation and sound effects, computer gaming consoles for recreational and educational game playing, educational toys for use in neuro-rehabilitation to re-develop fine motor, cognitive, oral language, and counting skills; gymnastic and sporting articles, namely, body boards, personal exercise mats, swings, swimming belts, swimming kick boards, weight lifting belts sports articles, spring boards sports articles, trampolines, punching bags, protective paddings, gymnastic apparatus, body-training apparatus, and posture correction devices, namely, an adjustable harness to correct one's posture for sports or other physical training purposes; electronic machines and apparatus for video games, namely, video game machines, amusement apparatus incorporating a video monitor, and audio and visual headsets for use in playing video games, and virtual reality headsets and helmets adapted for use in playing video games; video game consoles; video game consoles; portable video game displays, namely, hand-held games with liquid crystal displays; apparatus for games, namely, electronic video game machines and apparatus for measuring, recording and analyzing movement, and for capturing the movements of arms, hands, fingers and legs; training apparatus for golf, namely, golf practice platform, golf ball dispensers sporting articles, golf ball return machines, and pitching machines; training apparatus for racket sports, namely, racket balls, rackets and strings for rackets, paddle rackets, grip tapes for rackets, rackets for tennis, badminton, racquetball, and squash, wind resistance stroke training and strengthening devices, and swing stands as training apparatus to get a feel for body position, clean ball striking, and balance
- Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are appealed, namely: Scientific and technological services, namely, scientific research, scientific study, engineering, development, analysis, testing services, and technological consulting services, all in the fields of nanotechnology, neuroscience, virtual reality, motion capture technology and industrial design relating thereto; industrial analysis and research services in the field of nanotechnology, neuroscience, virtual reality, and motion capture technology; design and development of computers and software

Respectfully submitted,

/christine redfield/

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**Christine B. Redfield, Esq.**

**Fenwick & West LLP**

**801 California Street Silicon Valley Center**

**Mountain View, CA 94041**

**UNITED STATES**

**trademarks@fenwick.com**

**650.988.8500**